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**The situation in the Middle East**

# The situation in the Middle East

## Report of the Secretary-General

*Summary*

The present report contains replies received in response to the note verbale by the Secretary-General dated 4 May 2018 concerning implementation of the relevant provisions of General Assembly resolutions 72/15, entitled "Jerusalem", and 72/16, entitled "The Syrian Golan".

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# I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 72/15 and 72/16. In its resolution 72/15, the Assembly stressed that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by people of all religions and nationalities. In its resolution 72/16, which deals with the Syrian Golan, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions.

2. On 4 May, in order to fulfil my reporting responsibility under resolutions 72/15 and 72/16, I addressed notes verbales to the Permanent Representative of Israel, the Permanent Representatives of all other Member States and the Permanent Observer of the State of Palestine to the United Nations requesting them to inform me of any steps that their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 1 August 2018, replies had been received from Lebanon, Mexico, the Philippines and the State of Palestine. The replies are provided in section II of the present report.

# II. Replies received

## Lebanon

[Original: Arabic]

As part of its efforts to implement the resolutions of the General Assembly on the item "The situation in the Middle East", Lebanon has taken the following steps:

- Lebanon has categorically rejected America's illegal step of declaring Jerusalem to be the capital of Israel. It has called on Washington to desist and comply with the relevant authoritative international resolutions.
- On 9 December 2017, the Lebanese Parliament adopted recommendations stating that America's decision concerning Jerusalem posed a threat to international peace and security and provided cover for the Israeli occupation, its aggressive stance, its settlement activities and all of its violations of international laws and humanitarian laws.
- On 9 December 2017, at an extraordinary meeting of the League of Arab States, the Minister for Foreign Affairs and Expatriates urged States members to take all of the necessary legal and diplomatic measures to ensure that Palestine was recognized as a State with full membership in the United Nations, with Jerusalem as its capital, and to take countermeasures against the American decision and any similar decision by any other State to transfer its embassy to Jerusalem. Such measures should begin with diplomatic action, followed by political measures and culminating in economic and financial sanctions. Lebanon has, accordingly, postponed its periodic political consultations with those States that have adopted ambiguous positions on the issue.
- On 13 December 2017, at an extraordinary meeting of the Organization of Islamic Cooperation, the President of the Republic urged member States to carry out a diplomatic campaign to increase the number of States that recognize the State of Palestine, press for it to become a full Member of the United Nations,

and take the necessary legal, political and diplomatic actions to recognize East Jerusalem as its capital.

- On the same date, at the same meeting, he called for concerted, progressive diplomatic and economic sanctions against any State opting to recognize Jerusalem as the capital of Israel.
- In regional and international forums, Lebanon has emphasized that it remains committed to the 2002 Arab Peace Initiative in all its aspects without exceptions, including a two-State solution on the 1967 borders and a just solution to the issue of the Palestine refugees.
- Lebanon supported the Arab resolution submitted to the Security Council by Egypt on 18 December 2017, which provides that any decisions and actions which purport to have altered the character, status or demographic composition of Jerusalem have no legal effect.
- Lebanon supported the draft General Assembly resolution entitled "Status of Jerusalem", which was submitted by Yemen and Turkey on behalf of the Organization of the Islamic Cooperation on 19 December 2017 and provides that the legal status of Jerusalem under the authoritative international resolutions must be protected, and that all measures to the contrary are void.
- On 17 May 2018, Lebanon filed a complaint against Israel with the International Criminal Court in the wake of Israel's massacre in Gaza and other parts of Palestine. The Israeli occupation army acted in cold blood against defenceless demonstrators who had come out peacefully to protest against the transfer of the American embassy to Jerusalem. The massacre is a flagrant and protracted violation of the principles of international humanitarian law. It claimed 62 Palestinian lives and injured dozens more. Lebanon called on the Court to take immediate action against Israel in order to demonstrate its own credibility and ability to effectively enforce the principle of accountability.

## Mexico

[Original: Spanish]

Mexico supports a comprehensive solution to the Middle East conflict based on the existence of two States, Israel and Palestine, living side by side within secure and internationally recognized borders in accordance with United Nations resolutions.

Moreover, Mexico adheres to the resolutions adopted by both the Security Council and the General Assembly on these issues, in particular Security Council resolutions 478 (1980), of 20 August 1980, and 497 (1981), of 17 December 1981, concerning the status of the City of Jerusalem and the Syrian Golan, respectively.

The Government of Mexico has emphatically rejected the continued expansion of Israeli settlements in the Occupied Palestinian Territories and in the territory of the Syrian Golan.

With regard to the position of Mexico on the status of Jerusalem, Mexico published press release No. 459 of the Ministry of Foreign Affairs of Mexico on 6 December 2017, which explains the following:

Following the decision of the Government of the United States to recognize Jerusalem as the capital of the State of Israel, the Government of Mexico, through its Ministry of Foreign Affairs, reports that it will maintain its embassy in Tel Aviv, as has been the case until now by all countries that maintain diplomatic relations with Israel, in accordance with Security Council resolution 478 (1980), as well as relevant

resolutions of the United Nations General Assembly, on the status of the City of Jerusalem.

Mexico will continue to maintain a close and friendly bilateral relationship with the State of Israel, as evidenced by the recent visit of Prime Minister Benjamin Netanyahu to our country, and it will also continue to support the historical claims of the Palestinian people.

Mexico reiterates its firm conviction that a political and peaceful solution to the conflict must take place through direct negotiations, without preconditions, between the parties, that resolve the substantive issues, including the final status of Jerusalem.

Mexico supports dialogue as the means to settle the conflict between Israel and Palestine, based on the two-State solution, which includes the right of Israel and Palestine to live in peace within secure and internationally recognized borders, as agreed in the Oslo Accords and endorsed by various Security Council resolutions.

## Philippines

[Original: English]

The Permanent Mission of the Republic of the Philippines to the United Nations has the honour to convey the following information for the report of the Secretary-General on the implementation of the General Assembly resolutions under agenda item 37, "The situation in the Middle East", adopted by the Assembly on 30 November 2017:

- Resolution 72/15 ("Jerusalem"): The Philippines has not recognized the legality of Israel's claims over Jerusalem and continues to advocate a two-State solution to the Israeli-Palestinian conflict, with the status of Jerusalem to be decided in direct talks between the two parties in the final stages of the negotiations.
- Resolution 72/16 ("The Syrian Golan"): The Philippines has not recognized the legality of Israel's occupation and de facto annexation of the Golan Heights.

The Philippine Mission has the further honour to convey that, under General Assembly resolution 72/24 ("Establishment of a nuclear-weapon-free zone in the region of the Middle East", adopted by the Assembly on 11 December 2017), the Philippines has been strongly supportive of the establishment of the zone as a means to reduce tensions in the Middle East and to protect Philippine nationals in the region from the threat of nuclear war as well as the use of other weapons of mass destruction. The Philippines remains supportive of the Conference on the zone.

## State of Palestine

[Original: English]

The Permanent Observer of the State of Palestine to the United Nations has the honour to convey the State of Palestine's views on, and efforts to implement, General Assembly resolution 72/15, entitled "Jerusalem", as well as on relevant developments since its adoption.

Since the onset of the Israeli occupation of East Jerusalem and attempts by the occupying Power to annex the city from 1980 onward, the international community has repeatedly reaffirmed its rejection of unlawful Israeli practices and policies in the City, against its Palestinian inhabitants and in the broader context of its now 51-year foreign occupation of the rest of the Palestinian Territory occupied in 1967. The demands for cessation of all Israeli measures aimed at altering the demographic composition, character, identity and status of the City, in violation of international

law and the relevant United Nations resolutions, including, inter alia, Security Council resolutions 476 (1980), 478 (1980) and 2334 (2016), have been unequivocal and are central to the prevailing international consensus on the matter.

The General Assembly has maintained this position across the decades, reaffirming it again at its seventy-second session in resolution 72/15, "Jerusalem". This resolution, adopted by overwhelming majority support, presents the clear stance of the General Assembly regarding the question of the City of Jerusalem, one that is principled, consistent and firmly rooted in the applicable provisions of the Charter of the United Nations, international law and the relevant United Nations resolutions as well as the July 2004 advisory opinion of the International Court of Justice.

The adoption of resolution 72/15 coincided with the passage of over 50 years since the onset of Israel's foreign occupation of Palestinian and other Arab lands in 1967, and the commemoration of other solemn anniversaries, including 70 years since the General Assembly's decision to partition Mandate Palestine by its resolution 181 (II) of 29 November 1947 and the ensuing Nakba in 1948, underscoring the protracted nature of this injustice against the Palestinian people and the lack of a political horizon to bring an end to the Israeli occupation and to peacefully resolve the Israeli-Palestinian conflict, the core of the Arab-Israeli conflict.

The gravity of this injustice and the cyclical failure of peace efforts was further starkly highlighted just days later by the declaration made on 6 December 2017 by the United States President, recognizing Jerusalem as the so-called "capital of Israel" and deciding to transfer the United States embassy to the City, in contravention of Security Council resolutions, international law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and the established international consensus on the City, whereby there is no recognition of Israeli sovereignty over the City as a whole and whereby Israel remains the occupying Power in East Jerusalem. Following the veto cast in the Security Council on 18 December 2017 on a draft resolution presented by the delegation of Egypt to reaffirm the Council's long-standing position on the status of Jerusalem, the General Assembly rightly undertook its responsibilities with the adoption of its resolution ES-10/19, "Status of Jerusalem", reaffirming its relevant resolutions, including resolution 72/15, as well as those of the Security Council, and reinforcing the global rejection of Israel's illegal measures and the United States decision in this regard.

Even prior to the United States decision, resolution 72/15 reaffirmed the Assembly's decades-long "determination that any actions taken by Israel, the occupying Power, to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever" and called on Israel "to immediately cease all such illegal and unilateral measures". This includes the so-called "Basic Law" on Jerusalem adopted by the Israeli Government in 1980, deemed by both the Council and the Assembly as "null and void" and to be "rescinded forthwith".

This year, Israel escalated such brazen illegality with the Knesset's approval of an amendment to the "Basic Law", requiring a supermajority of 80 of the 120 Knesset members to approve any proposal to return any part of the City, making it harder for any future Israeli Government to comply with international law and United Nations resolutions by ceding its illegal control over East Jerusalem, the capital of the State of Palestine, in any peace deal. This is yet another blow to the prospect of salvaging the already battered two-State solution on the 1967 lines and ensuring the rights and legitimate aspirations of the Palestinian people to freedom and independence in their State of Palestine, with East Jerusalem as its capital.

Resolution 72/15 also appropriately recalled Security Council resolution 2334 (2016). Resolution 2334 (2016) continues to reflect the international community's

long-established stance regarding the requirements for a just and lasting solution to the conflict, including as regards Jerusalem. This resolution, in line with prior relevant resolutions, reaffirmed the inadmissibility of the acquisition of territory by force, underlined that the Council will not recognize "any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations", and called upon all States "to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967".

The State of Palestine continues its efforts to uphold and implement resolution 2334 (2016) in its entirety, alongside all other relevant United Nations resolutions, and continues its call on all States and organizations to abide by the provisions of the resolution in order to exact consequences for the continuation of the occupation aimed at bringing it to an end and advancing the prospects for a just peace. On the other hand, Israel, the occupying Power, continues to disregard these resolutions, systematically and deliberately violating all provisions and escalating the illegal practices that resolution 72/15 and other relevant resolutions specifically call for the cessation of. In fact, in Jerusalem, Israel persists with the same unlawful policies it has pursued since the onset of its occupation of the City in 1967, in its attempts to forcibly alter the demography and legal status of the City, to negate its Arab identity and cultural heritage, including its Muslim and Christian history and character, and to suffocate the existence of the Palestinian population in the City.

Israeli officials continue to inflame tensions by inciting religious hatred and strife, routinely making provocative declarations regarding Al-Haram Al-Sharif and claims to Israeli sovereignty over the entirety of the City of Jerusalem, the Old City and its holy sites included. This makes more imperative the insistence by all concerned parties that Israel respect the historic status quo at Al-Haram Al-Sharif and the Hashemite Kingdom of Jordan's custodianship of the Muslim and Christian holy places in the City, and that it halt actions contrary to the decades-long arrangements at these sensitive religious sites.

Equally urgent is a halt to all illegal, repressive Israeli measures targeting the indigenous Palestinian population of the City and aiming to replace them with Israel's Jewish population, along with measures to sever and isolate the City from its natural Palestinian environs in the rest of the West Bank and entrench Israel's control over the eastern part of the City. This continues to be pursued by the occupying Power through, inter alia, construction and expansion of illegal settlements and the Wall and its associated regime and transfer of thousands of Israeli settlers to East Jerusalem, in addition to the demolition of Palestinian homes, revocation of residency rights and eviction of thousands of Palestinian families, despite international condemnation and demands for cessation.

In this regard, the Office for the Coordination of Humanitarian Affairs has reported that "Palestinians in East Jerusalem are subject to a coercive environment with the risk of forcible transfer due to Israeli policies such as home demolitions, forced evictions and revocation of residency status. As is the case in Area C, a restrictive and discriminatory planning regime makes it virtually impossible for Palestinians to obtain the requisite Israeli building permits: only 13 per cent of East Jerusalem is zoned for Palestinian construction and much of this is already built-up. Palestinians who build without permits face the risk of home demolition and other penalties, including costly fines, the payment of which does not exempt the owner from the requirement to obtain a building permit. At least a third of all Palestinian homes in East Jerusalem lack an Israeli-issued building permit, potentially placing over 100,000 residents at risk of displacement". Moreover, Israeli settlers continue to pose a threat as they routinely intimidate and terrorize Palestinians in East Jerusalem, seeking, inter alia, to expel them from their homes and land.

As all such illegal actions persist, it is obvious that the United States Government's decision on Jerusalem on 6 December 2017 has further encouraged Israel's impunity in East Jerusalem and the rest of the Occupied Palestinian Territory. In fact, the occupying Power has been particularly emboldened to carry on with its illegal, destructive behaviour following the United States embassy move to Jerusalem on 14 May 2018. This move was taken in direct violation of Security Council resolutions 478 (1980) and 2334 (2016), General Assembly resolutions on Jerusalem, and the Charter prohibition on the acquisition of territory by force, and in total disregard of the regional and international appeals to prevent such a move, including appeals by the Palestinian leadership to the United States Government to respect United Nations resolutions and Palestinian legitimate rights, aspirations and sensitivities in this regard.

Repeated warnings by Palestine and the international community of the consequences of this United States decision have, regrettably, been to no avail. It is to be recalled that, on the day of the United States embassy transfer, Israeli occupying forces killed more than 60 Palestinians and injured over 2,800 other civilians who were protesting this provocative move in the context of the weeks-long peaceful civilian protests — the "Great March of Return" — against Israel's illegal occupation, oppression and dispossession of the Palestinian people. Tragically, since the protests began on 30 March 2018, more than 140 Palestinians, including 19 children, have been killed and more than 15,200 civilians injured by the occupying forces.

As the United States decision in support of Israel's illegal manoeuvres in Jerusalem has further fuelled its impunity, we remain insistent in our calls for respect for international and all relevant United Nations resolutions. We remain convinced that international law is key to rectifying this situation and ending the injustice against our people, and remain committed to all peaceful, political and legal means to this end.

Thus, Palestine has acted strictly within the parameters of the law and diplomacy in response to this crisis. This began with a letter to the Secretary-General, the President of the General Assembly and the President of the Security Council on 6 December 2017, urging immediate international action. Recognizing the gravity of the situation, the Council convened an emergency session on 8 December, with delegation after delegation denouncing the United States decision on Jerusalem; reaffirming their adherence to the relevant resolutions, including, inter alia, resolutions 476 (1980), 478 (1980) and 2334 (2016); calling for compliance by all parties; and rejecting measures to the contrary as "null and void". A draft resolution on the matter was presented by Egypt, as the Arab representative on the Council, yet was vetoed by the United States on 18 December 2017. However, the unanimous support of the other 14 Council members reflected and reaffirmed the prevailing international consensus regarding Jerusalem based on the applicable rules of international law and relevant resolutions.

In view of the Council's paralysis and the gravity of the matter, a joint request was made by Yemen, as Chair of the Group of Arab States, and Turkey, as Chair of the Organization of Islamic Cooperation (OIC) Summit, to the President of the General Assembly to resume the tenth emergency special session in a further effort to diplomatically and legally address this critical issue. The Assembly thus convened on 21 December, and resolution ES-10/19 was adopted by an overwhelming majority, reaffirming relevant resolutions; reiterating the call upon all States to refrain from establishing diplomatic missions in the Holy City of Jerusalem, pursuant to resolution 478 (1980) of the Security Council; and stressing that Jerusalem is a final status issue to be resolved through negotiations in line with relevant United Nations resolutions.

It was hoped that the broad support for this resolution would reinforce the strong messages from capitals all over the world to the United States rejecting such a violation and dissuading other countries from following suit. It is thus deeply regrettable that the United States did not suspend this decision and instead transferred its embassy to Jerusalem on 14 May and that Guatemala and Paraguay have also violated the principles and provisions enshrined in the applicable resolutions.

Persisting in the attempts to address the issue of Jerusalem, deteriorating conditions on the ground and the deepening political deadlock, Palestinian President Mahmoud Abbas addressed the Security Council on 20 February to directly appeal to it to uphold its responsibilities and to present a "Palestinian peace plan", calling, inter alia, for an international peace conference based on United Nations resolutions and including the Palestinian and Israeli sides along with concerned regional and international parties, similar to the Paris Peace Conference or the Moscow conference called for by Council resolution 1850 (2008). It was an earnest attempt to salvage the remaining prospects for realizing the two-State solution on the 1967 lines through a multilateral approach long called for by the Palestinian leadership on the basis of international law and the internationally endorsed parameters of a just solution: the relevant United Nations resolutions, the Madrid principles, the Arab Peace Initiative and the Quartet road map.

In contrast, following the United States decision on Jerusalem, Israel escalated its unlawful colonization activities, advancing plans for thousands of settlement units, especially in and around East Jerusalem, and for various infrastructure projects intended to connect the illegal settlements to Israel, further severing and isolating East Jerusalem from the rest of the West Bank, further damaging the two-State solution and obstructing peace efforts. Additionally, right-wing Knesset members, including members of the Israeli government coalition, continued to advance political proposals and draft laws aimed at "legalizing" settlement outposts and changing the boundaries of Jerusalem. We recall the statement in this regard issued by Stéphane Dujarric, Spokesperson for the Secretary-General, on 7 February, that "The Secretary-General deeply regrets the adoption of the so-called 'Regularization bill' on 6 February by the Knesset. This bill is in contravention of international law and will have far-reaching legal consequences for Israel. It reportedly provides immunity to settlements and outposts in the occupied West Bank that were built on privately owned Palestinian land."

Israel has also continued to violate the historic status quo at Jerusalem's holy places despite fact that, in resolution 72/15, the General Assembly made a clear call "for respect for the historic status quo at the holy places of Jerusalem, including the Haram al-Sharif, in word and practice" and urged "all sides to work immediately and cooperatively to defuse tensions and halt all provocations, incitement and violence at the holy sites in the City". Tensions remain high owing to repeated provocations and incitement by Israeli officials and illegal settlers against our holy sites and the right of the Palestinian people, Muslims and Christians, to worship in Occupied East Jerusalem, in absolute contempt for international law and the will of the international community. In this regard, the statement by Israeli Minister Miri Regev that "This land has a connection with only one people — the Jewish people" is echoed repeatedly by other officials, in addition to extremist calls by other Israelis to take over Al-Haram Al-Sharif.

Seeking to uphold resolution 72/15, the State of Palestine has also persistently highlighted the grave issues facing Jerusalem in its official interventions in the General Assembly and the Security Council and in the context of its official letters to the Secretary-General and the Presidents of the Security Council and the General Assembly, drawing international attention to the perils of this fragile situation in Jerusalem. It has repeatedly cautioned about the far-reaching consequences of any

further destabilization, including the stoking of a religious conflict. It has also continued to garner support for the Palestinian inhabitants of the City and for the preservation of the cultural and religious heritage in Jerusalem, including through the support of the OIC and the Islamic Development Bank. Moreover, it has worked, in cooperation with the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People and the OIC, to convene annual conferences on Jerusalem, bringing together diplomats, scholars, civil society and media to address the prevailing situation in all its dimensions and to consider joint solutions based on the law and international responsibilities.

All such efforts continue to be undertaken despite Israel's systematic obstruction of access by the Palestinian Government to the City and obstruction of Palestinian development in the City, which has exacerbated fragile economic and social conditions, especially affecting the youth population. In this regard, we underscore the fact that numerous official Palestinian cultural, social and political institutions in Jerusalem, including Orient House, remain closed by order of the occupying Power, in violation of Security Council resolution 1515 (2003). Since 1967, Israel has shut down more than 120 Palestinian institutions in Jerusalem, 88 of which have been closed permanently.

Given the worsening political, economic, social and humanitarian situation on the ground; the shrinking space for the exercise of the Palestinian right to self-determination in East Jerusalem and the rest of the Occupied Palestinian Territory; and the absence of a political horizon, we must underscore the permanent responsibility of the United Nations towards the question of Palestine, including the question of the City of Jerusalem, which holds unique historical, religious, cultural and political dimensions, until it is satisfactorily and justly resolved in all aspects on the basis of the relevant United Nations resolutions.

The United Nations must play a more substantive role, including through the use of the Secretary-General's good offices and the work of the United Nations Special Coordinator for the Middle East Peace Process, to alleviate the suffering of the Palestinian people and inject some hope in what seems like a hopeless situation. Of course, the Security Council and the General Assembly must remain at the forefront of the efforts to ensure that international law is upheld and United Nations resolutions are implemented, with the aim of ending this injustice and fulfilling the rights of the Palestinian people, including to East Jerusalem as the capital of their State of Palestine.

We urge international mobilization of the means and political will necessary to advance these objectives, underscoring that — no matter the unilateral, illegal measures taken by Israel or any other State in our land, which are null and void and without any legal effect — only an end to the Israeli occupation of the Palestinian Territory occupied in 1967, including East Jerusalem, and the full realization of Palestinian rights, including to freedom and independence, can lead to a just and lasting solution to the conflict. Serious, practical efforts must be made, in line with resolutions 476 (1980), 478 (1980), 2334 (2016), 72/15 and all other relevant resolutions, to convey a firm message to Israel that, after more than a half-century of occupation, this illegal and unjust situation will no longer be tolerated and that it cannot persist with its occupation and colonization of Jerusalem and of the rest of the Palestinian territory it has occupied since 1967 without consequence.

We continue to call for, and stand ready to cooperate with, responsible and genuine multilateral efforts towards ensuring Israel's complete withdrawal from the Palestinian territory occupied since June 1967, including East Jerusalem; the achievement of the two-State solution of an independent, sovereign, contiguous and viable State of Palestine, with East Jerusalem as its capital, living side by side with

Israel in peace and security within recognized borders based on the pre-1967 borders; and the realization of the inalienable rights of the Palestinian people, including a just solution for the Palestine refugees based on General Assembly resolution 194 (III). Despite the many crises and challenges faced at the moment, the Palestinian leadership has remained and will continue to remain committed to a peaceful and just solution and calls on the international community to uphold its obligations and commitments to do what it can to salvage any glimmer of hope for a just peace.